

**City of Hurst
City Council Minutes
Tuesday, November 13, 2018**

On the 13th day of November 2018, at 6:30 p.m., the City Council of the City of Hurst, Texas, convened in Regular Meeting at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Henry Wilson	)	Mayor
David Booe	)	Mayor Pro Tem
Bill McLendon	)	Councilmembers
Larry Kitchens)	
Jon McKenzie)	
Cathy Thompson)	
Cindy Shepard)	
Clay Caruthers	)	City Manager
Allan Heindel	)	Deputy City Manager
Matthew Boyle	)	City Attorney
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Michelle Lazo	)	Executive Director of Planning and Community Development
Steve Bowden	)	Executive Director of Economic Development
Matia Messemer	)	Executive Director of Human Resources

With the following Councilmembers absent: none, constituting a quorum; at which time, the following business was transacted:

The meeting was called to order at 6:30 p.m.

Councilmember Cathy Thompson gave the Invocation.

The Pledge of Allegiance was given.

PROCLAMATION(S) AND PRESENTATION(S)

1. Proclamation recognizing Annette Marsh and Taps 'n Tunes Event. Mayor Wilson read and presented the Proclamation recognizing Annette Marsh and her husband Barry Marsh for their contribution to the community and work for Veterans through the Taps 'n Tunes Event.
2. Proclamation recognizing Small Business Saturday. Councilmember Shepard read the Proclamation recognizing Small Business Saturday and Economic Development Director Steve Bowden noted there are 1,300 small businesses in the City of Hurst.

CONSENT AGENDA

3. Considered approval of the minutes for the October 23, 2018 City Council meetings.
4. Considered authorizing the purchase of fitness equipment for the Hurst Recreation Center.
5. Considered authorizing the city manager to enter into a Purchase Agreement with Red the Uniform Tailor for police department uniforms and equipment.
6. Considered authorizing the city manager to enter into a Purchase Agreement with NMS Labs and Tarrant County Medical Examiner for evidence processing services.

Councilmember Booe moved to approve the consent agenda. Motion seconded by Councilmember Kitchens. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard
No: None

ORDINANCE(S)

7. Considered Ordinance 2399, first reading, amending certain sections of Chapter 3 of the Code of Ordinances regulating the sale of alcoholic beverages.

Mayor Wilson recognized City Manager Clay Caruthers who reviewed the proposed ordinance noting some of the complexities regarding permitting alcoholic beverages and staff's reliance on the state's regulations. Mr. Caruthers reviewed the current alcohol to food ratio of over 50% food and the proposed 40% gross sales receipts to 60% alcohol as passed by state law in the last legislative session. City Secretary Rita Frick noted the legislation passed addressed the food to alcohol ratio as related to a food and beverage certificate.

Councilmember Thompson moved to approve Ordinance 2399, first reading, amending certain sections of Chapter 3 of the Code of Ordinances, regulating the sale of alcoholic beverages. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard
No: None

8. Considered Ordinance 2400, first reading, providing for increased prior and current service annuities under the act governing the Texas Municipal Retirement System for

retirees and beneficiaries of deceased retirees of the City of Hurst, and establishing an effective date for the ordinance.

Executive Director of Human Resources Matia Messemer reviewed the proposed ordinance stating it is essentially a cost of living adjustment for retirees, and reviewed the calculation adopted of 30% of the change in the Consumer Price Index, from the year prior to the retirement to the current year. She stated the calculation is on an ad hoc basis reducing the potential liability for future funding of the TMRS benefit, and therefore; better manages the City's TMRS liability for employees and retirees. Ms. Messemer stated the effective date is January 1, 2019 and is fully funded in the fiscal year 2019 budget.

Councilmember McLendon moved to approve Ordinance 2400 providing for increased prior and current service annuities, under the act governing the Texas Municipal Retirement system, for retirees and beneficiaries of deceased retirees of the City of Hurst, at 30% of the percentage change in CPI for All Urban Consumers, and establishing an effective date for the ordinance of January 1, 2019. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard
No: None

9. Considered Ordinance 2401, first reading, regulating short-term rentals in Hurst.

City Manager Clay Caruthers reviewed the proposed ordinance noting Executive Director of Strategic and Fiscal Services Clayton Fulton and Executive Director of Planning and Development Michelle Lazo researched short-term rental regulations and the City Attorney has reviewed the Ordinance. He stated staff and Council began discussions after receiving concerns and complaints from residents regarding noise, trash and debris. The proposed ordinance disallows short-term rentals under thirty days, and allows a six month grace period after the effective date before enforcement is implemented to allow anyone with a financial interest to make arrangements to sell or repurpose a home. Mr. Caruthers stated staff will also try to notify any existing short-terms rental owners if they are known.

Mayor Wilson stated he talked to a resident who lives near a bad situation including parties late at night, loud noise and beer bottles in the yard. He stated this is a business, not a rental home. He stated neighbors want to get to know their neighbors and there may be some good short-term rentals, but there are bad actors. Mayor Wilson stated this is a business and a commercial property placed in a single family neighborhood.

Councilmember Shepard moved to approve Ordinance 2401, first reading, which regulates short-term rentals in the City of Hurst. Motion seconded by Councilmember Kitchens. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard
No: None

OTHER ITEM(S)

10. Considered authorizing the city manager to enter into an Agreement with Davis & Davis, Inc., to provide design services for the Hurst Tennis Center Project.

Deputy City Manager Allan Heindel reviewed the proposed project noting, over the past twenty years, the facility has annually hosted approximately 30,000 tennis players and due to heavy use the facility has slowly entered a state of decline. He stated staff is trying to duplicate the renovations at the recreation center with a comprehensive design package from Davis & Davis, Inc., that includes remodeling the interior of the building, and the design and engineering of additional storage space. In response to Councilmembers' questions, Mr. Heindel stated ADA requirements will be addressed.

Councilmember Kitchens moved to authorize the city manager to enter into an Agreement with Davis & Davis, Inc., to provide design services for the Hurst Tennis Center Project, for an amount not to exceed \$31,500.00. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard
No: None

11. Considered authorizing the city manager to enter into an Engineering Services Contract with Halff Associates, Inc. for design of repairs to Valley View Branch concrete channel liner from East Pipeline Road to Plaza Boulevard.

Executive Director of Public Works Greg Dickens reviewed the proposed repairs to Valley View Branch concrete channel liner from East Pipeline Road to Plaza Boulevard noting the recent heavy rains caused the wear, happening over time, to show. Mr. Dickens explained hydraulic forces working against each other tend to move concrete. He stated the channel was originally built in 1969 and reviewed steps taken to mitigate the damage until repairs are complete. He stated Halff Associates is evaluated the project and submitted a proposal in an amount not to exceed \$35,000 for design of repairs. In response to Councilmembers' questions, Mr. Dickens stated staff periodically checks the channels throughout the City and once the design is complete it should take 30 to 45 days.

Councilmember McLendon moved to authorize the city manager to enter into an Engineering Services Contract with Halff Associates, Inc., for design of repairs to Valley View Branch concrete channel liner, from East Pipeline Road to Plaza Boulevard, in an

amount not to exceed \$35,000.00. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard
No: None

12. Considered authorizing the city manager to enter into an Engineering Services Contract with Halff Associates, Inc., for Citywide Drainage Master Plan, Phase 3 – Walker Branch.

Executive Director of Public Works Greg Dickens reviewed the proposed Engineering Services Contract for Citywide Drainage Master Plan, Phase 3 – Walker Branch and reviewed the previous phases of the plan. He stated the Walker Branch, which includes Northeast Mall, starts in North Richland Hills and ends in Fort Worth. In response to Councilmembers' questions, Mr. Dickens explained the study has some challenges, with significant tributaries and long culverts to model, but it will be very helpful to manage the flood plain. He stated the study covers all of Walker Branch water shed and the study will determine the amount of flow as it starts in the City and enters downstream in Fort Worth. Councilmember Kitchens noted the house on the east side of the creek he backs up to has lost a substantial part of land and the study should be beneficial to the citizens.

Councilmember Kitchens moved to authorize the city manager to enter into an Engineering Services Contract, with Halff Associates, Inc., for Citywide Drainage Master Plan, Phase 3 – Walker Branch, in an amount not exceed \$139,000.00. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard
No: None

13. Considered appointments to board, committee and commissions.

Mayor Wilson read his suggestions of appointments as follows:

Zoning Board of Adjustment: Move Bobby Grigsby from Alternate 1 to Place 1; Move Trasa Cobern from Alternate 2 to Alternate 1

Planning and Zoning Commission: Move Andrea Taylor from Zoning Board of Adjustment Alternate 1 to Planning and Zoning Commission Place 4

Library Board: Move Linda Dibley from Alternate 1 to Place 3; Move Julie Granquist from Alternate 2 to Alternate 1; Move Barbara Albright from Senior Advisory Board to Library Board Alternate 2

Senior Board: Reset the place numbers Place 1 to Place 1; Place 2 to Place 2; Place 4 to Place 3; Place 5 to Place 4; Place 6 to Place 5; Place 7 to Place 6; Place 9 to Place 7; Move Elaine Wicker from Code Appeals Alternate 2 to Alternate 2 on Senior Board

HEB Teen Court: Move Bien Camungol from Alternate 1 to Place 2; Move Brandon Herrera from Alternate 2 to Alternate 1

Historical Committee: Move Steve Johnson from Alternate 1 to Place 2; Move Janice Pyles-Trostle from Alternate 2 to Place 1; Appoint Leah Chance to Historical Alternate 1; Appoint Mary Wismann to Historical Alternate 2; Make Betty Whiteside an Ad Hoc member until the cemetery project is fully designed.

Codes, Appeals and Advisory Board: Appoint Roger Marsh, Alternate Place 2

Councilmember Thompson moved to accept the board, committee and commission appointments as read and suggested by Mayor Wilson. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard
No: None

Mayor Wilson noted the Council was still seeking people to fill a couple of alternate positions.

OTHER BUSINESS

14. Review of board, commission and committee meeting minutes:

- Library Board
- Parks and Recreation Board
- Historical Landmark Preservation Committee
- Hurst Senior Citizens Advisory Board

Councilmember Kitchens noted a correction for the Historical Landmark Preservation Committee that he did not remember making the motion to approve the minutes. Mayor Wilson requested Councilmember Kitchens be removed from making the motion.

15. Review of upcoming calendar items – City Manager Clay Caruthers reviewed the following calendar items:

- Saturday, November 17, 2018 – Ash & Lime Pop-Up Event, Bellaire Shopping Center
- Wednesday, November 21, 2018 – City Hall Closes Noon Thanksgiving Holiday

- Thursday, November 22, 2018 – City Hall Closed Thanksgiving Holiday
- Friday, November 23, 2018 – City Hall Closed Thanksgiving Holiday
- Tuesday, November 27, 2018 – Christmas Tree Lighting and Santa's Workshop-Hurst Conference Center

Mr. Caruthers also noted the regular November 27, 2018 City Council meeting has been canceled for the Christmas Tree lighting event.

16. City Council Reports - Items of Community Interest. No reports were given.

PUBLIC INVITED TO BE HEARD – A REQUEST TO APPEAR CARD MUST BE COMPLETED AND RETURNED TO THE CITY SECRETARY TO BE RECOGNIZED. Mayor Wilson recognized a large contingent of students from Tarrant County College from Professor Reginald's Texas Government Class.

EXECUTIVE SESSION in Compliance with the Provisions of the Texas Open Meetings Law, Authorized by Tex. Government Code Section 551.074, Personnel - (Evaluation of City Council Appointees) and Section 551.071, Consultation with City Attorney to seek advice regarding Pending or Contemplated Litigation (water damage Hurstview Drive and Yucca Trail) to reconvene in Open Session at the conclusion of the Executive Session

Mayor Wilson recessed the meeting to Executive Session at 7:28 p.m. in compliance with the provisions of the Texas Open Meetings Law, authorized by Texas Government Code Section 551.074, Personnel – (Evaluation of City Council Appointees) and Section 551.071, Consultation with City Attorney to seek advice regarding pending or contemplated litigation (water damage Hurstview Drive and Yucca Trail) and reconvened Open Session at 8:25 p.m.

17. Take any and all action ensuing from Executive Session.

Councilmember Kitchens moved to approve Resolution 1717 renewing an employment agreement with Municipal Judge Lacy Britten. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard
No: None

ADJOURNMENT

The meeting adjourned at 8:35 p.m.

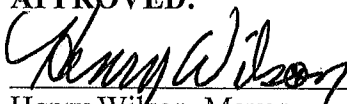
APPROVED this the 11th day of December 2018.

ATTEST:



Rita Frick, City Secretary

APPROVED:



Henry Wilson, Mayor